

REMARKS

Claims 1-3, 5-17, and 19-45 are pending, of which claims 1-3, 5-7, 17, and 19-43 have been examined, while claims 8-16 are withdrawn. Of the examined claims 1-3, 5-7, 17, and 19-43, claims 1, 2, 24, 30, and 38 are independent. By virtue of this response, the independent claims 1, 2, 24, 30 and 38 are amended, claims 4 and 18 are canceled, and claims 44 and 45 are newly added. No new matter has been added.

Claims 1-3, 5-7, 17, 19-25, 27-31, 33-39, and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,380,007 to Koyama (Koyama). Claims 26, 32, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama in view of U.S. Patent No. 6,447,612 to Moriyama et al. (Moriyama).

Regarding the rejection of claims 1-3, 5-7 and 17, 19-25, 27-31, 33-39, and 41-43, under 35 U.S.C. 102(e) as being anticipated by Koyama, Applicant respectfully submits that Koyama does not disclose or properly suggest all of the limitations of at least independent claims 1, 2, 24, 30, and 38, as amended.

For example, independent claim 1, as amended, recites (with emphasis added):

A light emitting device comprising:
an insulating film over a substrate having a metallic surface;
and
a light emitting element over the insulating film;
said light emitting element including:
an anode;
a cathode; and
an EL material interposed between the anode and the
cathode,
wherein a thickness of the substrate having the metallic
surface is in a range of 5 to 30 μ m.

Independent claim 2, as amended, recites similar elements to those of claim 1 (including the recited substrate thickness in a range of 5 to 30 μ m), and further recites a light shielding film adjacent to the cathode.

Koyama, however, does not disclose or properly suggest such a light emitting device where a thickness of the substrate is in a range of 5 to 30 μ m. In fact, the Office Action

explicitly admits at page 6, with reference to claims 4, 18, 26, 32, and 40, that “Koyama ... fails to clearly point out that (a) thickness of the substrate (is) in the range of 5 to 30 μm .”

Applicant recognizes that, in the same context, the Office Action goes on to assert that Moriyama discloses a thickness of a substrate being in the range of 5 to 30 μm , and asserts that it would have been obvious to modify the substrate of Koyama to have a thickness of 5 to 30 μm , in light of Moriyama, because such a modified substrate would “... be as thin as possible and exhibit a desired strength.”

However, Applicant respectfully submits that no proper motivation exists for combining Moriyama with Koyama in the manner proposed in the present Office Action. In particular, Moriyama constitutes non-analogous art from Koyama and from the light-emitting device(s) recited in claims 1 and 2, and therefore may not be properly combined with Koyama to render those claims obvious. In this regard, M.P.E.P. 2141.01(a) states that, “[i]n order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.”

In the present case, Applicant submits that Moriyama is directed to forming a photovoltaic element, including a solar cell, by a roll-to-roll process (see, e.g., FIG. 2 and related discussion). However, “the field of applicant's endeavor” and “particular problem with which the inventor was concerned,” in the context of claims 1 and 2, relate generally to EL (electroluminescent) light-emitting devices, and the improvement of such devices with respect to, for example, their function and cost.

Applicant submits that Koyama contains no description of such a roll-to-roll process. To the extent that Koyama is directed to techniques for using or manufacturing an EL light-emitting device, an artisan of ordinary skill would not have looked to the roll-to-roll process of Moriyama to modify Koyama. That is, the Office Action does not identify any “similarities ... in structure and function” between the devices of claims 1 and 2 (or Koyama) and Moriyama that would cause Moriyama to be considered analogous art for the purposes of a rejection under 35 U.S.C. 103(a) (see M.P.E.P. 2141.01(a)).

Applicant further notes that M.P.E.P. 2141.01(a) identifies Patent Office classification of references and cross-references as evidence of analogy/non-analogy. In the present case, Applicant notes that Koyama is classified (and has a field of search) entirely in class 438, "Semiconductor Device Manufacturing: Process." In contrast, Moriyama is classified (and has a field of search) entirely in classes 118 ("Coating Apparatus") and 427 ("Coating Processes"). Therefore, Applicant respectfully submits that the Patent Office classifications of Koyama and Moriyama offer further evidence of the non-analogous nature of these references for the purposes of a 103(a) rejection of claims 1 and 2.

Based on the above, Applicant respectfully submits that independent claims 1 and 2 are allowable for at least the reasons that (a) Koyama does not disclose or properly suggest all of the features recited therein, and (b) Moriyama, as non-analogous art, may not properly be combined with Koyama to supply the claim features that are not present in Koyama. As a result, dependent claims 3, 5-7, 17, 19-23, 44, and 45 are allowable for at least the same reasons.

Additionally, independent claim 24, as amended, recites (with emphasis added):

A light emitting device comprising:
a substrate holder;
a metal substrate over the substrate holder;
an insulating film over the metal substrate; and
a light emitting element over the insulating film;
said light emitting element including:
an anode;
a cathode; and
an EL material interposed between the anode and
the cathode.

Neither Koyama nor Moriyama discloses or properly suggests such a substrate holder having a metal substrate thereover. As a result, independent claim 24, as well as independent claims 30 and 38 (which recite the same or similar feature(s)), is believed to be allowable for at least these reasons. Accordingly, dependent claims 25-29, 31-37, and 39-43 are believed to be allowable for at least the same reasons.

Based on the above, all claims are believed to be in condition for allowance, and such action is hereby requested in the Examiner's next official communication.

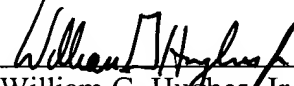
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Enclosed is a \$110.00 check for the One-Month Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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